IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

WP(C).No. 2181 of 2007(I)

PETITIONER:

K.MUSTHAFA, AGED 56 YEARS,
S/O. A.M.KASIM, RETIRED RANGE OFFICER,
(TECHNICAL ASSISTANT), FLYING SQUAD,
PALAKKAD, RESIDING AT HOUSE NO."11/285",
KANNARA STREET, PALAKKAD.

BY ADV. SMT.SHEMEENA SALAHUDHEEN

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY**
   THE CHIEF CONSERVATOR OF FORESTS (ADMINISTRATION),
   FOREST HEAD QUARTERS, THIRUVANANTHAPURAM.

2. **THE CONSERVATOR OF FORESTS,**
   OLAVAKKODE CIRCLE, RAILWAY COLONY ROAD,
   OLAVAKKODE, PALAKKAD DISTRICT.

3. **THE DIVISIONAL FOREST OFFICER,**
   MANNARGHAT, PALAKKAD DISTRICT.

4. **THE DIVISIONAL FOREST OFFICER,**
   FLYING SQUAD DIVISION, RAILWAY COLONY ROAD,
   PALAKKAD.

BY SR.GOVERNMENT PLEADER SRI. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE LETTER NO.C 66/2005 DTD. 7/07/2005 ISSUED BY THE IVTH RESPONDENT.

EXT.P2: COPY OF THE LETTER NO.E2-5-71/2005 DTD. 7/02/2006 ISSUED BY THE IIIRD RESPONDENT.

EXT.P3: COPY OF THE LETTER NO.E2-5080/2002 DTD. 31/03/2006 ISSUED BY THE IIIRD RESPONDENT.

EXT.P4: COPY OF THE ORDER NO.B7.23129/2002 DTD. 15/02/2006 ISSUED BY THE 1ST RESPONDENT.

EXT.P5: COPY OF REPRESENTATION DTD. 20/02/2006 SUBMITTED BEFORE THE 1ST RESPONDENT.

EXT.P6: COPY OF THE REPRESENTATION DTD. 19/06/2006 SUBMITTED BEFORE THE 1ST RESPONDENT.

EXT.P7: COPY OF THE ORDER NO.B7-4057 A/2001 DTD. 29/06/2006 & COPY OF THE COVERING LETTER NO.E2-866/2005 DTD. 28/07/2006 OF THE IIIRD RESPONDENT.

EXT.P8: COPY OF THE ORDER NO.P-09/PEN A/111/ww/2006-07 DTD. 30/08/06.

EXT.P9: COPY OF THE REPRESENTATION DTD. 30/11/06 SUBMITTED BEFORE THE IVTH RESPONDENT.

EXT.P10: COPY OF THE INDEMNITY BOND DTD. 5/12/2006 SUBMITTED BEFORE THE IVTH RESPONDENT.

EXT.P11: COPY OF THE LETTER NO.E2.5071/2005 DTD. 18/12/06 ISSUED BY THE IIIRD RESPONDENT.

EXT.P12: COPY OF THE SHOW CAUSE NOTICE DTD. 14/03/2007 ISSUED BY THE IIIRD RESPONDENT.

WPC.NO.2181/2007 I

1ST RESPONDENT'S EXHIBIT:

EXT.R1(A): SHOW CAUSE NOTICE VIDE LETTER NO.B7/23129/02 DTD. 14/03/2007.

4TH RESPONDENT'S EXHIBIT:

EXT.R4(A): COPY OF LETTER NO.B7-23129/2002 DTD. 14/03/2007 ISSUED TO THE PETITIONER THROUGH PROPER CHANNEL.

/TRUE COPY/

P.S.TO JUDGE

KSS

V.GIRI, J.

W.P.(C).No.2181 of 2007 I

Dated this the 24th day of October, 2007.

JUDGMENT

Petitioner, who retired from service on 30.6.2006, is aggrieved by the fact that the retirement benefits due to him by way of Death cum Retirement Gratuity {for short "DCRG"} are yet to be disbursed. The delay in the disbursal of the DCRG, as per the counter affidavit filed by the respondent is, firstly because of Ext.P7 order of punishment, by which an amount of Rs.20,943/- is determined as loss caused by the petitioner and recoverable by the Government. The second reason is the pendency of another departmental proceedings as evidenced by Ext.P12 {Ext.R4(a)}.

2. It is contended that until the said departmental proceedings are completed, it will not be possible to compute the actual amount due to the petitioner.

3. After hearing learned counsel for the petitioner and the learned Government Pleader, the writ petition is disposed of in the following terms:

(a) The proceedings as evidenced by Ext.P12 {Ext.R4(a)} shall be finalized within a period of 3 months from the date of receipt of a copy of this judgment.

(b) At the same time, the petitioner may be required to execute a bond agreeing to recompense the Government, the amount that may be found to be recoverable, on finalization of the departmental proceedings.

(c) Once the departmental proceedings are finalized within three months, as stated above, the amount due to the petitioner by way of DCRG, as sanctioned in Ext.P8, less the amount mentioned in Ext.P7 and the monetary value relatable to the punishment that is proposed to be imposed in Ext.P12 {R4(a)}, shall

be disbursed to the petitioner within one month thereafter.

(d) If no further amounts are recoverable from the petitioner or otherwise liable to be treated as loss on completion of Ext.R4(a), the amount retained shall also be disbursed within one month of finalization of such proceedings.

(e) If the petitioner claims that the benefit of any increment has not been given, he may move the Head of the Department for sanction of the same and by way of a representation within one month and if such a representation is filed, the first respondent shall take a decision within three months thereafter.

(f) If the petitioner's claim is found to be accepted, necessary revision may be made in the Last Pay Certificate,which may be forwarded to the Accountant General for revision of the gratuity payment.

(g) The entire process in this regard shall be completed within 6 months from the date of receipt of a copy of this judgment.

Sd/-
(V.GIRI)
JUDGE

sk/

//true copy//